



STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY  
GOVERNOR

EXECUTIVE OFFICE

April 17, 2019

The Honorable Katie Hobbs  
Secretary of State  
1700 W. Washington, 7<sup>th</sup> Floor  
Phoenix, AZ 85007

Re: H.B. 2439 highway rest area program; continuation

Dear Secretary Hobbs:

Today, I signed H.B. 2439.

Among other provisions, the bill continues the innovative *Rest Area Sponsorship Sign Program* championed by the Arizona Department of Transportation (ADOT). This small program allows ADOT to transfer some of the cost of maintaining its 32 public rest areas to private sponsors.

Unfortunately, an archaic federal prohibition stops western states from entering into other innovative public-private partnerships that would result in modern, renovated, rest areas for Arizona motorists.

Today, I am renewing my call for the federal government to break down these nonsensical federal barriers.

Sincerely,

Douglas A. Ducey  
Governor  
State of Arizona

cc: The Honorable Karen Fann  
The Honorable Rusty Bowers  
The Honorable Gail Griffin

The Honorable Rusty Bowers  
The Honorable Michelle Ugenti-Rita

Senate Engrossed House Bill

**FILED**  
**KATIE HOBBS**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

**CHAPTER 102**  
**HOUSE BILL 2439**

AN ACT

AMENDING SECTIONS 28-7058 AND 28-7059, ARIZONA REVISED STATUTES; RELATING  
TO HIGHWAY REST AREAS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-7058, Arizona Revised Statutes, is amended to  
3 read:

4 28-7058. Privatization of rest areas; state certified rest  
5 area program; program termination; definitions

6 A. The department may:

7 1. Privatize any rest area constructed on or adjacent to state  
8 highways in this state on or after September 26, 2008. Any agreement  
9 between the department and a person for privatization under this section  
10 shall include a provision that:

11 (a) Prohibits the person from charging any fees for the use of a  
12 lavatory.

13 (b) Requires the person to provide an adequate outdoor picnic area  
14 to be available to the public at no charge.

15 2. Establish a state certified rest area program that meets the  
16 requirements established by the federal highway administration pursuant to  
17 Public Law 109-59, section 1310.

18 3. Contract with a third party or other government entity to  
19 certify and recertify rest areas for the state certified rest area  
20 program.

21 B. The state certified rest area program established pursuant to  
22 this section ends on July 1, ~~2019~~ 2027 pursuant to section 41-3102.

23 C. For the purposes of this section:

24 1. "Population" means the population determined in the most recent  
25 United States decennial census or in the most recent special census as  
26 provided in section 28-6532.

27 2. "State certified rest area" means a privately owned facility  
28 that is both of the following:

29 (a) Certified by this state or a third party to meet the  
30 requirements established by the federal highway administration pursuant to  
31 Public Law 109-59, section 1310 and at a minimum offers all of the  
32 following:

33 (i) Fuel and food to the public.

34 (ii) Twenty-four hour access to restrooms.

35 (iii) Parking for automobiles and heavy trucks.

36 (b) Located outside of the public right-of-way and outside of an  
37 urbanized area with a population of one hundred thousand or more persons.

38 3. "Urbanized area" means an urbanized area as defined in the  
39 decennial census by the United States bureau of the census.

40 Sec. 2. Section 28-7059, Arizona Revised Statutes, is amended to  
41 read:

42 28-7059. Rest area sponsorship sign program; revenue sharing  
43 agreement; program termination

44 A. The department may establish a rest area sponsorship sign  
45 program. Notwithstanding sections 28-648, 28-7048 and 28-7053, the

1 department may contract with a third party to install, maintain and  
2 replace rest area sponsorship signs at rest areas located in the public  
3 right-of-way of the interstate or state highway system. The third party  
4 shall agree in the contract to lease sponsor recognition space and to  
5 furnish, install, maintain and replace signs for the benefit of business  
6 or organizational sponsors.

7 B. Costs incurred under the program shall be paid under agreements  
8 negotiated between the third party and the business or organizational  
9 sponsors.

10 C. The department may enter into a revenue sharing agreement with  
11 the third party. The department shall deposit, pursuant to sections  
12 35-146 and 35-147, all monies received from the revenue sharing agreement  
13 in a subaccount of the state highway fund for the purpose of rest area  
14 maintenance, operations and repairs.

15 D. The rest area sponsorship sign program established pursuant to  
16 this section ends on July 1, ~~2019~~ 2027 pursuant to section 41-3102.

17 Sec. 3. Retroactivity

18 This act applies retroactively to from and after June 30, 2019.

**APPROVED BY THE GOVERNOR APRIL 17, 2019.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2019.**

Passed the House February 25, 20 19

Passed the Senate March 25, 20 19

by the following vote: 60 Ayes,

by the following vote: 24 Ayes,

0 Nays, 0 Not Voting

6 Nays, 0 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

Pro Tempore

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

H.B. 2439

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 11, 20 19,

by the following vote: 56 Ayes,

4 Nays, 0 Not Voting

[Signature]

Speaker of the House

[Signature]

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

11<sup>th</sup> day of April, 20 19,

at 1:40 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 17<sup>th</sup> day of

April, 20 19,

at 1:22 o'clock P M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 17 day of April, 20 19,

at 4:34 o'clock P. M.

[Signature]  
Secretary of State

H.B. 2439